



**Judicial Council of California**  
**Court Interpreters Advisory Panel Meeting**  
Administrative Office of the Courts  
Casablanca Star Wars Room  
Burbank, California  
September 26, 2006  
**Meeting Minutes**

***Panel Members Present***

Hon. Kathleen E. O'Leary  
Hon. Susan M. Breall *via teleconference*  
Mr. John K. Johnston  
Mr. Sean E. Lillywhite  
Ms. Maria "Angie" Murphy  
Ms. Radha Zaidi

***Advisory Members Present***

Mr. Mark A. Arnold  
Ms. Susan S. Eadie  
Mr. Nestor O. Wagner

***Governing Committee of the CJER  
Liaison***

Ms. Tressa S. Kentner

***Panel Members Absent***

Ms. Rosa Junqueiro

***Advisory Members Absent***

Ms. Judy Arasé

***Administrative Office of the Courts***

*Office of Governmental Affairs*  
Ms. Eraina Ortega

***Executive Office Programs Division***

Ms. Lucy Smallsreed

***Court Interpreters Program***

Ms. Berta Alicia Bejarano  
Ms. Debbie Chong-Manguiat  
Mr. Mark Garcia  
Mr. Cannon Han  
Mr. José Manuel Muñoz  
Mr. Daniel Perry  
Ms. Patricia Rivera

***Others Present***

*Alta Language Services, Inc.*  
Ms. Jacquie Ring-Salguero  
Dr. Christopher Roosevelt

***Members of the Public***

Ms. Angie Birchfield  
Ms. Julie Drucker  
Ms. Lois Feuerte  
Ms. Michelle Oken  
Ms. Yvonne Pritchard  
Ms. Rebecca Rubenstein

## **I. Call to Order**

Justice Kathleen E. O’Leary, Chair, called the Court Interpreters Advisory Panel (CIAP) meeting to order at 10:05 a.m. on Tuesday, September 26, 2006, at the Administrative Office of the Courts, in Burbank.

### ***A. Update on panel seat changes***

Mr. Mark Garcia updated CIAP on recent seat changes within the panel.

### ***B. Meeting Assignments***

Mr. José Manuel Muñoz was named timekeeper for the meeting.

Mr. Daniel Perry was named assignment keeper for the meeting.

### ***C. Approval of the Previous Meeting’s Minutes***

Justice O’Leary reported Ms. Arasé’s corrections to the meeting minutes of February 9, 2006. On page 5, paragraph 2, under the Reports from Working Groups “Mandarin and Cantonese are distinct languages” should read, “Mandarin and Cantonese are distinct *oral* languages.” Also on page 5, paragraph 2, “because the poll among OTS” should read, “because the *pool* among OTS”.

**Motion.** Mr. Mark Arnold made a motion to correct and approve the meeting minutes of the February 9, 2006, meeting.

**Second.** Ms. Angie Murphy seconded. Minutes were approved.

**Motion passed.**

## **II. Presentations From the Public**

Justice O’Leary informed members of the public that CIAP no longer has the authority to handle employment and labor issues. She added that the responsibility has been placed under the Human Resources Division, and that a new Court Executive Advisory Subcommittee will be formed to handle independent contractors: therefore, a more efficient way of addressing labor issues is to present them to that subcommittee.

Ms. Rebecca Rubenstein, a federal and state-certified court interpreter, addressed the panel on Government Code section 71802, the 100-day limitation on the use of independent, contract court interpreters. She stated that the rule discourages people from joining the profession and asked CIAP to recommend that the Judicial Council request the Legislature to repeal the specific section of this limitation.

Ms. Angie Birchfield, independent contractor, reported on the use of noncertified court interpreters in depositions and civil matters, and requested that CIAP advise the Judicial Council to make it a requirement for interpreters to give certification numbers as part of the record in all legal proceedings.

### ***California Federation of Interpreters***

Ms. Julie Drucker, a board member of the California Federation of Interpreters (CFI), discussed the perceived lowering of testing standards and the transparency of the examination process. She reported that CFI receives many expressions of concern on this

matter, largely from other than Spanish court interpreters. Ms. Drucker requested that the panel recommend that the exam level not be lowered. Ms. Drucker admitted to the panel that she has no tangible proof or empirical evidence that the examination standard has been lowered; rather, it is a general sense among court interpreters.

### **III. Discussion Items**

#### ***A. Voting Procedures***

Mr. Cannon Han reported on the recommended voting procedures for CIAP that would establish a quorum and would facilitate meetings and votes. He took the rules verbatim from the Judicial Council's proposed voting procedures and added the e-mail and fax voting procedures (items 10 and 11 on tab 2 of the meeting materials). Mr. Han clarified that the voting procedures applied to the panel as a whole and not to individual working groups.

**Motion.** Ms. Murphy made a motion to adopt the recommended voting procedures.

**Second.** Mr. Arnold seconded the motion.

**Motion passed.**

#### ***B. Vice Chair Position***

Mr. Han reported that CIAP was in need of a vice-chair position in the event of Justice O'Leary's unavailability. Nominations for the vice chair position will be made when the vacancies on CIAP have been filled.

**Motion.** Mr. Sean Lillywhite made a motion to adopt a vice-chair position.

**Second.** Mr. Arnold seconded the motion.

**Motion passed.**

#### ***C. Translation Working Group***

Ms. Berta Alicia Bejarano reported on the dissolution of the Translation working group and its survey of courts in other states. She recommended that the Translation working group be revived, and added that title VI of the 1964 Civil Rights Act requires that courts provide meaningful interpretation and translation services to individuals with limited English proficiency. Ms. Bejarano asked that the charges and mission of the Translation working group be defined, and that they also encompass an effort to standardize a statewide translation policy for the courts.

**Motion.** Mr. Arnold made a motion to adopt the reformation of the Translation working group.

**Second.** Mr. John Johnston seconded the motion.

**Motion passed.**

#### **IV. General Updates**

##### ***A. Current Panel Vacancies***

Mr. Garcia reported that the Court Interpreters Program (CIP) is currently recruiting for two CIAP vacancies, one for an independent contractor and the other for a trial court judge.

##### ***B. Test Administration***

Mr. Garcia updated the panel on the status of a new testing administrator. He clarified that the Judicial Council did not terminate its contract with CPS Human Resource Services (CPS) but rather that CPS had decided to no longer serve the language testing community. Mr. Garcia added that the Judicial Council intends to hold testing this year and maintain the same testing schedule as in previous years. He added that CIP is currently in contract negotiations with a potential testing administrator.

##### ***C. Update on Sample Test***

Mr. Garcia announced that CIP worked with CPS to develop a generic English language sample test to post on the test administrator's website. CIP is also working collaboratively with the Office of the General Counsel (OGC) to determine whether the Spanish/English sample exam can be posted online. Mr. Garcia added that due to development costs, no other sample exams will be created until the results of the Alta Language Services (ALTA) study are received.

##### ***D. Legislative Update***

Mr. Garcia reported on proposed Assembly Bills 2227 and 2302. AB 2227 would potentially create a blue ribbon panel of 15 members who would advise the Judicial Council on testing matters. AB 2302 would expand the mandated provision of interpreter services into civil proceedings.

Mr. Garcia also updated the panel on the recommendation put forth by CIAP on changing Government Code 68560 so that the American Sign Language (ASL) panel member could have full voting privileges. The Judicial Council will sponsor legislation in the next cycle.

##### ***E. Telephone Interpreting/RIS***

Mr. Perry reported to the panel on the Telephone Interpreting/Remote Interpreting Service project and explained how it both facilitates the use of court interpreter services remotely and has the capability to channel simultaneous or consecutive interpretation. He explained that the main goal of the program is to increase and facilitate the use of certified and registered interpreters statewide. The program focuses mainly on courts that use a high percentage of noncertified and nonregistered interpreters.

**F. Listserve**

Mr. Perry reported that though a listserv was previously suggested as a communication tool for CIAP meetings, it makes more sense for members to communicate by e-mail.

**G. One Law. Many Languages**

Ms. Bejarano reported that the *One Law-Many Languages* recruitment campaign has commenced as of September 12, 2006, and is targeting seven certified languages determined to be critically needed — Spanish, Arabic, Mandarin, Cantonese, Tagalog, Korean, and Vietnamese. The Court Interpreters Program Web site has been updated to meet the informational demands of interested candidates.

**H. Meeting with Kaiser Permanente**

Ms. Bejarano informed CIAP of a recent informational meeting with Kaiser Permanente that served as a brainstorming session to discuss the linguistic challenges that Kaiser Permanente faces as a health organization serving a linguistically diverse array of patients.

**V. Alta Language Services Presentation — Closed Session**

Ms. Lucy Smallsreed introduced Dr. Christopher Roosevelt and Ms. Jacquie Ring-Salguero of ALTA. Ms. Smallsreed explained that ALTA has been contracted to perform an evaluation of current court interpreting examinations.

Dr. Roosevelt began the presentation by clarifying the charge of ALTA and outlined the stages of the project. Stage I, the foundation of the study, describes the interview process and analyzes the functional requirements through review of documentation; Stage II surveys the pool of certified court and registered interpreters; Stage III, an effort throughout the entire project, performs a stakeholder analysis; Stage IV conducts an assessment of the current tests; Stage V assesses the current testing processes; Stage VI reviews other, existing testing models and standards; Stage VII analyzes the test passage rate; and Stage VIII, the final stage, consists of the submission of ALTA's report and recommendations.

The panel directed questions to ALTA on the qualifications of the test evaluators, their methods of rating various language examinations, altering the present standard, best practices for training court interpreters, discussed possible issues with state-to-state comparisons, benefits to registered interpreters and the English fluency examination, the possibility of a universal interpreter examination, and the timeline of the examination assessment. The panel also relayed its thoughts on problems with the current examination, its lack of legal terminology and appropriate vocabulary, and the need for a competent screening tool.

## **VI. Reports From Working Groups**

### **A. ASL**

Ms. Susan Eadie announced that the CIAP has completed the biennial review and its recommendations will go to the Judicial Council at the October 20, 2006, meeting in the hopes that it will approve the Registry of Interpreters for the Deaf as the only remaining testing entity in the state of California that certifies ASL interpreters. Ms. Eadie added that the California Coalition of Agencies Serving the Deaf and Hard-of-Hearing is no longer offering ASL legal interpreter examinations. Ms. Eadie reported that the ASL working group is also working on a recruiting project and looking into how to increase the number of ASL court interpreters. Ms. Eadie asked that CIP staff assist her in formulating a list of frequently asked questions on ASL interpreting to post online.

### **B. Discipline and Ethics**

Mr. Arnold reported that the Discipline and Ethics working group has been tasked with redrafting rule 984.4 of the California Rules of Court. He explained that the rule deals with the professional conduct of court interpreters and is complicated by differences among regional memoranda of understanding (MOU). Mr. Arnold stated that this has resulted in no uniform discipline procedures. Since the Administrative Office of the Courts (AOC) has never promulgated an appropriate rule to deal with this issue, the various MOUs now supersede the current rule. Mr. Arnold stated that the working group's outline of proposed discipline procedures is currently being reviewed by the OGC. He announced that the working group has one vacancy.

### **C. Public Trust and Confidence**

Judge Susan Breall reported that the Public Trust and Confidence working group has met several times to discuss recommendations such as certifying test standards, expanding interpreter recruitment, collaborating with higher institutions of learning, and broadening interpreter case types. The working group has since discovered that many of these recommendations have already been worked on with various funding and requests for proposals within the AOC. Judge Breall therefore asked that the working group be given a new direction or possibly have new goals outlined.

Justice O'Leary suggested that the Public Trust and Confidence working group be disbanded and added that issues concerning public trust and confidence need to be addressed by all working groups.

**Motion.** Judge Breall made a motion to disband the Public Trust and Confidence working group.

**Second.** Mr. Arnold seconded the motion.

**Motion passed.**

**D. Testing and Education**

Mr. Nestor Wagner reported that the Testing and Education working group reviews and makes monthly determinations on continuing education provider applications. He requested that the working group meet by teleconference within the next six months to examine pending issues.

**VII. Next CIAP Meeting**

The next CIAP meeting has been scheduled for Thursday, February 8, 2007, in the San Francisco offices of the AOC.

Justice O'Leary announced that the 2007 Judicial Branch Statewide Conference, also known as the megaconference, will be held in Anaheim from September 26-28, 2007. That conference will provide an opportunity to meet with other advisory committees. She also recommended that CIAP meet three times in years when there will not be a megaconference, to address issues concerning language access.

**VIII. Adjournment**

The meeting was adjourned at 3:03 p.m.